

## **The Preamble**

*In the name of God, the Most merciful, the Most compassionate*

### **{ We have honored the sons of Adam }**

We, the sons of Mesopotamia, the homeland of the apostles and prophets and resting place of the virtuous imams, pioneers of civilization, crafters of writing and cradle of numeration, upon which the first law made by man was enacted, the most ancient just pact for homelands policy was inscribed, companions of the Prophet and saints prayed, philosophers and scientists theorized and writers and poets excelled;

Acknowledging God's due over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great references, leaders reformers, national forces and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the 30<sup>th</sup> of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkomen and along with the remainder of their brothers from all other components and recollecting the injustice against the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their competent individuals and from drying out of its cultural and intellectual sources, so we strived hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future free from sectarian chauvinism, racial tendency, complex of regionalism, discrimination, and expulsion.

Accusations of infidelity, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, and following the path of peaceful transfer of power, adopting the course of just distribution of resources and providing equal opportunity for all.

We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, the elderly and youth to respect the rules of law and reject the politics of aggression, pay attention to women and their rights, and the elderly and their concerns, and children and their affairs and spreading the culture of diversity and defusing terrorism.

We, the people of Iraq, of all components and communities, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow and to enact this permanent constitution, from the high values and ideals of the heavenly messages and the findings of science and human civilization. The adherence to this constitution preserves for Iraq its free union of people, land, and sovereignty.

## **Section One**

### **Fundamental Principles**

#### **Article 1:**

The Republic of Iraq is an independent sovereign state. The system of rule in it is republican, representative (parliamentary), democratic and federal.

#### **Article 2:**

First: Islam is the official religion of the State and is a fundamental source of legislation:

- A. No law that contradicts the established provisions of Islam may be enacted.
- B. No law that contradicts the principles of democracy may be enacted.
- C. No law that contradicts the rights and basic freedoms stipulated in this constitution may be enacted.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees full religious rights of freedom of belief and practice for all individuals such as Christians, Yazidis, and Mandeans.

#### **Article 3:**

Iraq is a country of multiple nationalities, religions and sects and is a part of the Islamic world and a founding and effective member of the Arab League and is committed to its charter.

#### **Article 4:**

First: The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkomen, Syriac and Armenian shall be guaranteed, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

Second: The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law that includes:

- A. Issuing of the Official Gazette, in both languages;
- B. Speech, conversation and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;
- C. Recognition of the official documents and correspondences in the two languages and issuing of official documents in both languages;

- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Any other domains that require the principle of equality such as bank notes, passports and stamps.

Third: The federal institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkomen language and Syriac language are two other official languages in the administrative units in which they constitute density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum.

Article 5:

The law is sovereign. The people are the source of authorities and its legitimacy, which shall be exercised in a direct, general and secret ballot and through their constitutional institutions.

Article 6:

Authority shall be transferred peacefully through democratic means as stipulated in this Constitution.

Article 7:

First Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. This shall not be within the political pluralism in Iraq. This shall be regulated by a law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.

Article 8:

Iraq shall observe the principles of good neighborliness, shall adhere to the principle of non-interference in the internal affairs of other states, shall seek to settle disputes by

peaceful means, establish relations on the basis of mutual interests and reciprocity, and shall respect its international obligations.

Article 9:

First:

- A- The Iraqi Armed Forces and Security Services will be composed of the components of the Iraqi people with due consideration given to their balance and representation without discrimination or exclusion and shall be subject to the command of the civilian authority, defend Iraq and shall not be used as an instrument of oppression against the Iraqi people, shall not interfere in the political affairs and shall have no role in the transfer of authority.
- B- The formation of military militia outside the framework of the armed forces is prohibited.
- C- The Iraqi Armed Forces and its personnel, including military personnel working in the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by the Ministry of Defense regulations. This ban includes the activities of the personnel mentioned above acting in their personal or professional capacities, but does not include their right to vote in the elections.
- D- The Iraqi National Intelligence Service shall collect information, assess threats to national security, and advise the Iraqi government under civilian control and shall be subject to the supervision of the legislative authority and shall operate in accordance with the law and pursuant to the recognized principles of human rights.
- E- The Iraqi Government shall respect and implement Iraq's international obligations regarding the non-proliferation, non-development, non-production, and non-use of nuclear, chemical, and biological weapons, and shall prohibit associated equipment, materiel, technologies, and delivery systems for use in the development, manufacture, production, and use of such weapons.

Second: Military service shall be regulated by a law.

Article 10:

The holy shrines and religious sites in Iraq are religious and civilizational entities and the State is committed to assure and maintain their sanctity, and guarantee the free practice of rituals in them.

Article 11:

Baghdad is the capital of the Republic of Iraq.

Article 12:

First: The flag, national anthem, and emblem of Iraq shall be regulated by law in a way that symbolizes the components of the Iraqi people.

Second: A law shall regulate the medals, official holidays, religious and national occasions and the Hijra and Gregorian calendar.

Article 13:

First: This constitution is the sublime and supreme law in Iraq and shall be binding in all parts of Iraq without exception.

Second: No law that contradicts this Constitution shall be enacted. Any text in any regional constitutions or any other legal text that contradicts this constitution shall be considered null and void.

## **Section Two**

### **Rights and Liberties**

#### **Chapter One**

##### **[Rights]**

#### **First: Civil and Political Rights**

##### **Article 14:**

Iraqis are equal before the law without discrimination based on gender, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic and social status.

##### **Article 15:**

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

##### **Article 16:**

Equal opportunities shall be guaranteed to all Iraqis. The state shall take the necessary measures to achieve this.

##### **Article 17:**

**First:** Every individual shall have the right to personal privacy in a way that does not contradict the rights of others and public morals.

**Second:** The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.

##### **Article 18:**

**First:** An Iraqi is any person born to an Iraqi father or mother.

**Second:** Iraqi nationality is the right of every Iraqi and shall be the basis of his citizenship.

##### **Third:**

A. An Iraqi citizen by birth may not have his nationality withdrawn for any reason. Any person who had his nationality withdrawn shall have the right to reclaim it. This shall be regulated by a law.

B. The Iraqi nationality shall be withdrawn from the naturalized citizen in the cases stipulated by the law.

Fourth: An Iraqi may have multiple nationalities. Everyone who assumes a senior, security or sovereign position must abandon any other acquired nationality. This shall be regulated by a law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement which disrupts the demographic make-up of Iraq.

Sixth: Citizenship provisions shall be regulated by a law. The competent courts shall consider the suits arising from those provisions.

Article 19:

First: The judiciary is independent and no power shall be above the judiciary except the Law.

Second: There is no crime or punishment except by a law. The punishment shall only be for an act that the law considers a crime when perpetrated. A punishment more severe than the punishment applicable at the time of the crime commission may not be applied.

Third: Litigation shall be a protected and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial.

Fifth: The accused is innocent until proven guilty in a just legal trial. The accused may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person shall have the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: The punishment shall be personal.

Ninth: Laws shall not have a retroactive effect unless the law stipulates otherwise. This exclusion shall not include laws on taxes and duties.

Tenth: The criminal law shall not have a retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall designate a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

- A. Unlawful detention shall be prohibited.
- B. Detention or imprisonment shall be prohibited in places not designed for this purpose, pursuant to prison laws that are covered and by health and social care and are subject to the authorities of the State.

Thirteenth: The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, and may be extended only once and for the same period.

Article 20:

The citizens, male and female, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and be nominated.

Article 21:

First: An Iraqi shall not be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum in Iraq. A political refugee shall not be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.

**Second: Economic, Social and Cultural Liberties**

Article 22:

First: Work is a right for all Iraqis in a way that guarantees a decent life for them.

Second: The law shall regulate the relationship between employees and employers on economic bases and taking into account rules of social justice.

Third: The State shall guarantee the right to form and join unions and professional associations, and this shall be regulated by law.

Article 23:

First: Private property is protected. The owner shall have the right to benefit, exploit and dispose of private property within the limits of the law.



Second: Ownership shall not be taken away except for the purposes of public benefit in return for just compensation, and this shall be regulated by law.

Third:

- A. Every Iraqi shall have the right to own property anywhere in Iraq. No one else other than Iraqis shall have the right to own immovable assets, except as exempted by law.
- B. Ownership of property for the purposes of demographic change shall be prohibited.

Article 24:

The State shall guarantee freedom of movement of Iraqi manpower, goods and capitals between regions and governorates, and this shall be regulated by law.

Article 25:

The State shall guarantee the reform of the Iraqi economy in accordance with modern economic principles to insure the full investment of its resources, diversification of its sources and the encouragement and the development of the private sector.

Article 26:

The state shall guarantee the encouragement of investments in the various sectors, and this shall be regulated by law.

Article 27:

First: Public property is sacrosanct, and its protection is the duty of each citizen.

Second: The provisions related to the preservation of State properties, their management, the conditions for their disposal, and the limits under which any of these properties may not be relinquished shall all be regulated by law.

Article 28:

First: Taxes or fines shall not be imposed, amended, collected or exempted from, except by a law.

Second: Low income earners shall be exempted from taxes in a way that guarantees the preservation of the minimum income required for living. This shall be regulated by a law.

Article 29:

First:

- A. The family is the foundation of society and the State shall preserve its entity and its religious, moral and national values.
- B. The State shall guarantee the protection of motherhood, childhood and old age and shall care for children and youth, and shall provide them with the appropriate conditions to further their talents and abilities.

Second: Children shall have right over their parents in regard to upbringing, care and education. Parents shall have right over their children in regard to respect and care especially in times of need, disability and old age.

Third: Economic exploitation of children in all of its forms shall be prohibited and the State shall take the necessary measures to protect them.

Fourth: All forms of violence and abuse in the family, school and society shall be prohibited.

Article 30:

First: The state shall guarantee to the individual and the family - especially children and women – social and health security and the basic requirements for leading a free and dignified life that ensures for them a suitable income and appropriate housing.

Second: The State shall guarantee social and health security to Iraqis in cases of old age, sickness, disability, homelessness, orphanage or unemployment, and shall work to protect them from ignorance, fear and poverty. The State shall provide them housing and special programs of care and rehabilitation. This shall be regulated by law.

Article 31:

First: Every citizen has the right to health care. The State shall take care of public health and provide the means of prevention and treatment by building different types of hospitals and medical institutions.

Second: Individuals and institutions shall have the right to build hospitals or clinics or places for treatment under the supervision of the State and this shall be regulated by law.

Article 32:

The State shall care for the handicapped and those with special needs and ensure their rehabilitation in order to reintegrate them into society and this shall be regulated by law.

Article 33:

First: Every individual shall have the right to live in safe environmental conditions.

Second: The State shall undertake the protection and preservation of the environment and its biological diversity.

Article 34:

First: Education is a fundamental factor for the progress of society and is a right guaranteed by the state and is mandatory and the state guarantees the eradication of illiteracy.

Second: Free education is a right for all Iraqis in all its stages.

Third: The State shall encourage scientific research for peaceful purposes that serves humanity and shall support excellence, creativity, invention, and different aspects of excellence.

Fourth: Private and public education shall be guaranteed and shall be regulated by law.

**Chapter Two**  
**[Liberties]**

Article 35:

First:

- A. The liberty and dignity of man shall be protected.
- B. It is not permitted to detain or investigate someone except according to a judicial decision.
- C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be recognized and the victim shall have the right to seek compensation in accordance with the law for material and moral damages incurred.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children or sex trade shall be prohibited.

Article 36:

The state shall guarantee in a way that does not disturb public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration and this shall be regulated by law.

Article 37:

First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.

Second: Forcing any person to join any party, society or political entity or force him to continue his membership in it, is prohibited.

Article 38:

The freedom of communications, mail, telegraphic, electronic, and telephonic correspondences, and others shall be guaranteed and may not be monitored, wiretapped or disclosed except for legal and security necessity and by a judicial decision.

Article 39:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices and this shall be regulated by law.

Article 40:

Each individual shall have the freedom of thought, conscience and faith.

Article 41:

First: The followers of all religions and sects are free in the:

- A- Practice of religious rites, including the Husseinite rituals.
- B- Management of the endowments (Awqaf), their affairs and their religious institutions. The law shall regulate this.

Second: The state shall guarantee the freedom of worship and the protection of places of worship.

Article 42:

First: An Iraqi citizen shall enjoy the right of free movement, travel, and residence inside and outside Iraq.

Second: No Iraqi may be exiled, displaced or deprived from returning to the homeland.

Article 43:

First: The State shall seek to strengthen the role of civil society institutions, and to support, develop and preserve their independence in a way that is consistent with peaceful means to achieve their legitimate goals, and this shall be regulated by a law.

Second: The State shall seek the advancement of the Iraqi clans and tribes and shall attend to their affairs in a manner that is consistent with religion and the law and upholds their noble human values in a way that contributes to the development of society. The State shall prohibit the tribal traditions that contradict human rights.

Article 44:

Restricting or limiting the practice of any of the rights or liberties stipulated in this Constitution is prohibited, except by a law or on the basis of a law, providing that such a limitation or restriction does not violate the essence of the right or the freedom.

## **Section Three**

### **Federal Powers**

#### **Article 45:**

The federal powers shall consist of: the legislative, the executive and the judicial. These powers shall exercise their competencies and tasks on the basis of the principle of separation of powers.

#### **Chapter one**

#### **[The Legislative Power]**

#### **Article 46:**

The federal legislative power shall consist of the Council of Representatives and the Federation Council.

#### **First: The Council of Representatives**

#### **Article 47:**

**First:** The Council of Representatives shall consist of a number of members, at a ratio of one seat per 100,000 Iraqi persons representing the entire Iraqi people. They shall be elected through a direct secret general ballot. The representation of all components of the people in it shall be upheld.

**Second:** A candidate to the Council of Representatives must be a fully eligible Iraqi.

**Third:** A law shall regulate the requirements for the candidate, the voter and all that is related with the elections.

**Fourth:** The electoral law shall aim to achieve a percentage of representation for women of not less than one-quarter of the members of the Council of Representatives.

**Fifth:** The Council of Representatives shall promulgate a law dealing with the replacement of its members on resignation, dismissal or death.

**Sixth:** Members of the Council of Representatives cannot combine between membership in the Council of Representatives with any other work or another official position.

Article 48:

The Council of Representatives member shall take the following constitutional oath before the Council prior to assuming his work:

**“I swear by God Almighty to carry out my legal duties and responsibilities with devotion and dedication and to preserve the independence and sovereignty of Iraq, and look after the interests of its people, and watch over the safety of its land, sky, waters, wealth and federal democratic system, and to work to protect public and private liberties, the independence of the judiciary and abide by the applications of the legislation faithfully and neutrally. God is my witness.”**

Article 49:

The Council of Representatives shall establish its bylaws to regulate its work.

Article 50:

First: The Council of Representatives shall decide by a two-thirds majority the validity of membership of a member within thirty days from the date of filing an objection.

Second: The decision of the Council of Representatives may be appealed before the Federal Supreme Court within thirty days from the date of its issuance.

Article 51:

First: Sessions of the Council of Representatives shall be public unless the Council necessarily decides otherwise.

Second: Minutes of the sessions shall be published by means deemed appropriate by the Council.

Article 52:

The President of the Republic shall call upon the Council of Representatives to convene by a presidential decree within fifteen days from the date of ratifying general elections results. Its oldest member shall chair the first session to elect the speaker of the Council and his two deputies. An extension is not permitted for more than the aforementioned period.

Article 53:

The Council of Representatives shall elect in its first session its president, then his first deputy and a second deputy, by an absolute majority of the total number of the Council members by direct secret ballot.

Article 54:

First: The electoral term of the Council of Representatives shall be four calendar years, starting with the first session and ending with the end of the fourth year.

Second: The new Council of Representatives shall be elected forty-five days before the conclusion of its preceding electoral term.

Article 55:

The Council of Representatives shall have one annual term with two legislative sessions lasting eight months. The bylaws shall define the method of convening both sessions. The session in which the general budget is being presented shall not end until approval of the budget.

Article 56:

First: The President of the Republic, the Prime Minister, the President of the Council of Representatives, or fifty members of the Council of Representatives may call the Council to an extraordinary session. The session shall be restricted to the topics that necessitated the call for the session.

Second: The legislative session of the Council of Representatives may be extended for no more than 30 days to complete the tasks that require the extension, based on a request from the President of the Republic, the Prime Minister, the Speaker of the Council, or fifty members of the Council of Representatives.

Article 57:

First:

- A- The Council of Representatives quorum shall be achieved by the presence of the absolute majority of the number of its members.
- B- Decisions in the sessions of the Council of Representatives shall be made by a simple majority after quorum is achieved, unless otherwise stipulated.

Second:

- A- Draft laws shall be presented by the President of the Republic and the Council of Ministers.
- B- Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees.

Article 58:



The Council of Representatives shall be competent in the following:

First: Enacting federal laws.

Second: Monitoring the performance of the executive authority.

Third: Electing the President of the Republic.

Fourth: Regulating the ratification process of international treaties and agreements by law to be enacted by two-thirds majority of the members of the Council of Representatives.

Fifth: Approving the appointment of each of the following:

- A. The President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission by absolute majority, based on a proposal from the Higher Juridical Council.
- B. Ambassadors and those with special grades based on a proposal from the Cabinet.
- C. The Iraqi Army Chief of Staff, his assistants and those of the rank of division commanders and above and the director of the intelligence service based on a proposal from the Cabinet.

Sixth:

- A. Questioning the President of the Republic based on a petition with cause by an absolute majority of the number of members of the Council of Representatives.
- B. Relieving the President of the Republic by an absolute majority of the number of members of the Council of Representatives after being convicted by the Federal Supreme Court in one of the following cases:
  - 1- Perjury of the constitutional oath.
  - 2- Violating the Constitution.
  - 3- High treason.

Seventh:

- A. The Council of Representatives member may direct questions to the Prime Minister and the Ministers on any subject within their specialty and each of them shall answer the members' questions. Only the member who has asked the question shall have the right to comment on the answer.
- B. At least twenty five members of the Council of representatives may raise a general issue for discussion for clarification on the policy and the performance of the Cabinet or one of the Ministries and it shall be submitted to the President of the Council of Representatives, and the Prime Minister or the Ministers shall specify a date to come before the Council of Representatives to discuss it.

- C. A Council of Representatives member, with the agreement of twenty-five members, may direct an inquiry to the Prime Minister or the Ministers to call them into account on the issues within their authority. The debate shall not be held on the inquiry except after at least seven days from the date of submission of the inquiry.

Eighth:

- A. The Council of Representatives may withdraw confidence from one of the Ministers by an absolute majority and he is considered resigned from the date of the decision of withdrawal of confidence. The issue of no confidence in the Minister shall not be raised except on the basis of his desire or a request signed by fifty members after discussing an inquiry directed at him and the Council shall not issue its decision regarding the request except after at least seven days from the date of its submission.
- B.
  - 1- The President of the Republic may submit a request to the Council of Representatives to withdraw confidence from the Prime Minister.
  - 2- The Council of Representatives may withdraw confidence from the Prime Minister based on the request of one-fifth of its members. This request shall not be submitted except after an inquiry directed at the Prime Minister and after at least seven days from the date of submitting the request.
  - 3- The Council of Representatives shall decide to withdraw confidence from the Prime Minister by an absolute majority of the number of its members.
- C. The Government is considered resigned in case of withdrawal of confidence from the Prime Minister.
- D. In case of a vote of withdrawal of confidence in the Cabinet as a whole, the Prime Minister and the Ministers continue in their positions to run everyday business for a period not to exceed thirty days until a new cabinet is formed in accordance with the provisions of Article 73 of this Constitution.
- E. The Council of Representatives may question independent commission heads in accordance with the same procedures related to the Ministers and the Council shall have the right to relieve them by absolute majority.

Ninth:

- A. To consent to the declaration of war and the state of emergency by a two-thirds majority based on a joint request from the President of the Republic and the Prime Minister.

- B. The state of emergency shall be declared for a period of thirty days that can be extended after approval each time.
- C. The Prime Minister shall be delegated the necessary powers which enable him to manage the affairs of the country during the period of the declaration of war and the state of emergency. These powers shall be regulated by a law in a way that does not contradict the constitution.
- D. The Prime Minister shall present to the Council of Representatives the measures taken and the results during the period of the declaration of war and the state of emergency within 15 days from the date of its end.

Article 59:

First: The Council of Ministers shall submit the draft general budget bill and the closing account to the Council of Representatives for approval.

Second: The Council of Representatives may conduct transfers between the sections and chapters of the general budget and reduce the total of its sums, and it may suggest to the Cabinet to increase the total expenses, when necessary.

Article 60:

First: A law shall regulate the rights and privileges of the speaker of the Council of Representatives, his two deputies and the members of the Council of Representatives.

Second:

- A. A member of the Council of Representatives shall enjoy immunity for statements made while the Council is in session, and the member may not be prosecuted before the courts for such.
- B. A Council of Representatives member may not be placed under arrest during the legislative term of the Council of Representatives, unless the member is accused of a felony and the Council of Representatives members consent by an absolute majority to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.
- C. A Council of Representatives member may not be arrested after the legislative term of the Council of Representatives, unless the member is accused of a felony and with the consent of the speaker of the Council of Representatives to lift his immunity or if he is caught *in flagrante delicto* in the commission of a felony.

Article 61:

First: The Council of Representatives shall be dissolved by absolute majority of the number of its members, upon the request of one-third of its members or upon the request of the Prime Minister and the consent of the President of the Republic. The Council shall not be dissolved during the period in which the Prime Minister is being questioned.

Second: Upon the dissolution of the Council of Representatives, the President of the Republic shall call for general elections in the country within a period not to exceed sixty days from the date of its dissolution. The Cabinet in this case is considered resigned and continues to run everyday business.

### **Second: The Federation Council**

#### **Article 62:**

A legislative council shall be established named the “Federation Council” to include representatives from the regions and the governorates that are not organized in a region. A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

## **Chapter Two** **[The Executive Power]**

#### **Article 63:**

The Federal Executive Power shall consist of the President of the Republic and the Council of Ministers and shall exercise its powers in accordance with the Constitution and the law.

### **First: The President of the Republic**

#### **Article 64:**

The President of the Republic is the Head of the State and a symbol of the unity of the country and represents the sovereignty of the country. He will watch over to guarantee the commitment to the Constitution and the preservation of Iraq’s independence, sovereignty, unity, and the safety of its territories, in accordance with the provisions of the Constitution.

#### **Article 65:**

A nominee to the Presidency of the Republic must be:

First: An Iraqi by birth, born to Iraqi parents.

Second: Fully eligible and must have completed forty years of age.

Third: Of good reputation and political experience, known for his integrity, uprightness, fairness and loyalty to the homeland.

Fourth: Free of any conviction of a crime involving moral turpitude.

Article 66:

First: The provisions for nomination to the office of the President of the Republic shall be regulated by law.

Second: The provisions for nomination to the office of one or more Vice Presidents of the Republic shall be regulated by law.

Article 67:

First: The Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members.

Second: If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared President.

Article 68:

The President shall take the Constitutional Oath before the Council of Representatives according to the language stipulated in Article 48 of the Constitution.

Article 69:

First: The President of the Republic's term in office shall be limited to four years. He may be re-elected for a second time only.

Second:

A- The President of the Republic's term in office shall end with the end of the term of the Council of Representatives.

B- The President of the Republic shall continue to exercise his duties until after the end of the election and the meeting of the new Council of Representatives, provided that a new President of the Republic is elected within thirty days from the date of its first convening.

C- In case the position of the President of the Republic becomes vacant for any reason, a new President shall be elected to complete the remaining period of the President's term.

Article 70:

The President of the Republic shall assume the following powers:

First: To issue a special pardon on the recommendation of the Prime Minister, except for anything concerning a private claim and for those who have been convicted of committing international crimes, terrorism, or financial and administrative corruption.

Second: To ratify international treaties and agreements after the approval by the Council of Representatives. Such international treaties and agreements are considered ratified after fifteen days from the date of receipt by the President.

Third: To ratify and issue the laws enacted by the Council of Representatives. Such laws are considered ratified after fifteen days from the date of receipt by the President.

Fourth: To call the elected Council of Representatives to convene during a period not to exceed fifteen days from the date of approval of the election results and in the other cases stipulated in the Constitution.

Fifth: To award medals and decorations on the recommendation of the Prime Minister in accordance with the law.

Sixth: To accredit ambassadors.

Seventh: To issue Presidential decrees.

Eighth: To ratify death sentences issued by the competent courts.

Ninth: To perform the duty of the Higher Command of the armed forces for ceremonial and honorary purposes.

Tenth: To exercise any other presidential powers stipulated in this Constitution.

Article 71:

A law shall fix the salary and the allowances of the President of the Republic.

Article 72:

First: The President of the Republic shall have the right to submit his resignation in writing to the Speaker of the Council of Representatives, which is considered effective after seven days from the date of its submission to the Council of Representatives.

Second: The Vice President shall replace the President in case of his absence.

Third: The Vice President shall replace the President of the Republic or in the event of the post of the President becomes vacant for any reason whatsoever. The Council of Representatives must elect a new President within a period not to exceed thirty days from the date of the vacancy.

Fourth: In case the post of the President of the Republic becomes vacant, the Speaker of the Council of Representatives shall replace the President of the Republic in case he does not have a Vice President, on the condition that a new President is elected during a period not to exceed thirty days from the date of the vacancy and in accordance with the provisions of this Constitution.

### **Second: Council of Ministers**

#### **Article 73:**

First: The President of the Republic shall charge the nominee of the Council of Representatives bloc with the largest number to form the Cabinet within fifteen days from the date of the first meeting of the Council of Representatives.

Second: The Prime Minister-designate shall undertake the naming of the members of his Cabinet within a period not to exceed thirty days from the date of his designation.

Third: In case the Prime Minister-designate fails to form the cabinet during the period specified in clause “Second,” the President of the Republic shall charge a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his Cabinet members and the ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval of the Ministers individually and the ministerial program by an absolute majority of the Council of Representatives.

Fifth: The President of the Republic shall charge another nominee to form the cabinet within fifteen days in case the Cabinet did not gain confidence.

#### **Article 74:**

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he has completed a college degree or its equivalent and has completed thirty five years of age.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives provided that he holds a college degree or its equivalent.

Article 75:

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces. He directs the Council of Ministers, presides over its meetings, and has the right to dismiss the Ministers with the consent of the Council of Representatives.

Article 76:

The Prime Minister and members of the Cabinet shall take the Constitutional Oath before the Council of Representatives according to the language stipulated in Article 48 of the Constitution.

Article 77:

The Cabinet shall exercise the following powers:

First: To plan and execute the general policy and general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the development plans.

Fifth: To recommend to the Council of Representatives to approve the appointment of undersecretaries, ambassadors, State senior officials, the Chief of Staff of the Armed Forces and his assistants, division commanders or higher, the Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties or designate any person to do so.

Article 78:

First: The President of the Republic shall take up the office of the Prime Minister in the event the post becomes vacant for any reason whatsoever.

Second: In case the event mentioned in “First” of this article materializes, the President shall charge another nominee to form the cabinet within a period not to exceed fifteen days in accordance with the provisions of Article 73 of this Constitution.



Article 79:

A law shall regulate the salaries and allowances of the Prime Minister and Ministers, and anyone of their grade.

Article 80:

The responsibility of the Prime Minister and the Ministers before the Council of Representatives is of a joint and personal nature.

Article 81:

First: A law shall regulate the work and define the duties and authorities of the security institutions and the National Intelligence Service, which shall operate in accordance with the principles of human rights and shall be subject to the oversight of the Council of Representatives.

Second: The National Intelligence Service shall be attached to the Cabinet.

Article 82:

The Council of Ministers shall establish internal bylaws to organize the work therein.

Article 83:

A law shall regulate the formation of ministries, their functions, and their areas of competence and the authorities of the minister.

**Chapter Three**  
**[The Judicial Authority]**

Article 84:

The judicial authority is independent. The courts, in their various types and levels, shall assume this authority and issue decisions in accordance with the law.

Article 85:

Judges are independent and there is no authority over them except that of the law. No authority shall have the right to interfere in the judiciary and the affairs of justice.

Article 86:

The federal judicial authority is comprised of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the

Judiciary Oversight Commission and other federal courts that are regulated in accordance with the law.

### **First: Higher Juridical Council**

#### **Article 87:**

The Higher Juridical Council shall oversee the affairs of the judicial committees. The law shall specify the method of its establishment, its authorities, and the rules of its operation.

#### **Article 88:**

The Higher Juridical Council shall exercise the following authorities:

First: To manage the affairs of the judiciary and supervise the federal judiciary.

Second: To nominate the Chief Justice and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the Chief Justice of the Judiciary Oversight Commission and present those nominations to the Council of Representatives to approve their appointment.

Third: To propose the draft of the annual budget of the federal judicial authority and present it to the Council of Representatives for approval.

### **Second: Federal Supreme Court**

#### **Article 89:**

First: The Federal Supreme Court is an independent judicial body, financially and administratively.

Second: The Federal Supreme Court shall be made up of a number of judges, experts in Islamic jurisprudence, and law experts whose number, the method of their selection, and the work of the court shall be determined by a law enacted by a two-thirds majority of the members of the Council of Representatives.

#### **Article 90:**

The Federal Supreme Court shall have jurisdiction over the following:

First: Overseeing the constitutionality of laws and regulations in effect.

Second: Interpreting the provisions of the constitution.

Third: Settling matters that arise from the application of the federal laws, decisions, regulations, instructions, and procedures issued by the federal authority. The law shall guarantee the right of each of the Cabinet and those concerned individuals and others of the right of direct appeal to the Court.

Fourth: Settling disputes that arise between the federal government and the governments of the regions and governorates, municipalities, and local administrations.

Fifth: Settling disputes that arise between the governments of the regions and governments of the governorates.

Sixth: Settling accusations directed against the President, the Prime Minister and the Ministers. That shall be regulated by law.

Seventh: Ratifying the final results of the general elections for membership in the Council of Representatives.

Eight:

- A. Settling competency disputes between the federal judiciary and the judicial institutions of the regions and governorates that are not organized in a region.
- B. Settling competency disputes between judicial institutions of the regions or governorates that are not organized in a region.

Article 91:

Decisions of the Federal Supreme Court are final and binding for all authorities.

### **Third: General Provisions**

Article 92:

The establishment of special or extraordinary courts is prohibited.

Article 93:

The law shall regulate the establishment of courts, their types, levels and jurisdiction, the method of appointing and the terms of service of judges and public prosecutors, their discipline and their retirement.

Article 94:

Judges may not be removed except in cases specified by law; such law will determine the particular provisions related to them and shall regulate their disciplinary measures.

Article 95:

A judge or public prosecutor are prohibited from the following:

First: Combining a judicial position with legislative and executive positions and any other work.

Second: Joining any party or political organization or performing any political activity.

Article 96:

A law shall regulate the military judiciary and shall specify the jurisdiction of military courts which are limited to crimes of military nature committed by members of the armed forces and security forces and within the limits established by the Law.

Article 97:

It is prohibited to stipulate in the laws immunity from appeal for any administrative action or decision.

Article 98:

A State Council may be established with jurisdiction of administrative judiciary, issuing opinions, drafting, and representing the State and various public commissions before the courts except those exempted by law.

**Chapter Four**  
**[Independent Commissions]**

Article 99:

The High Commission for Human Rights, Independent Electoral High Commission and Commission on Public Integrity are considered independent commissions subject to monitoring by the Council of Representatives, and their functions shall be regulated by law.

Article 100:

First: The Central Bank of Iraq, Board of Supreme Audit, Communication and Media Commission, and the Endowment Commissions are financially and administratively independent institutions, and the work of each of these institutions shall be regulated by law.

Second: The Central Bank of Iraq is responsible before the Council of Representatives. The Board of Supreme Audit and the Communication and Media Commission shall be attached to the Council of Representatives.

Third: The Endowment Commissions shall be attached to the Council of Ministers.

Article 101:

A commission named Foundation of Martyrs shall be established and attached to the Council of Ministers. Its functions and competencies shall be regulated by law.

Article 102:

A public commission shall be established to guarantee the rights of the regions and governorates that are not organized in a region in fair participation in managing the various state federal institutions, missions, fellowships, delegations, and regional and international conferences. The Commission shall be comprised of representatives of the federal government and representatives of the regions and governorates that are not organized in a region, and shall be regulated by a law.

Article 103:

A public commission shall be established by a law to audit and appropriate federal revenues. The commission shall be comprised of experts of the federal government and the regions and the governorates and their representatives and shall assume the following responsibilities:

First: To verify the fair distribution of grants, aid, and international loans pursuant to the entitlement of the regions and governorates that are not organized in a region.

Second: To verify the ideal use and division of the federal financial resources.

Third: Guarantee transparency and justice in appropriating funds to the governments of the regions and governorates that are not organized in a region in accordance with the established percentages.

Article 104:

A council named the Federal Public Service Council shall be established and shall regulate the affairs of the federal public service, including appointments and promotions. Its formations and competencies shall be regulated by law.

Article 105:

Other independent commissions may be established by law according to need and necessity.

## **Section Four**

### **Powers of the Federal Government**

#### **Article 106:**

The federal authorities shall preserve the unity, integrity, independence, and sovereignty of Iraq, and its federal democratic system.

#### **Article 107:**

The federal government shall have exclusive authorities in the following matters:

First: Formulating foreign policy and diplomatic representation; negotiating, signing, and ratifying international treaties and agreements; negotiating, signing and ratifying debt policies and formulating foreign sovereign economic and trade policy.

Second: Formulating and executing national security policy, including creating and managing armed forces to secure the protection, and to guarantee the security of Iraq's borders and to defend Iraq.

Third: Formulating fiscal and customs policy, issuing currency, regulating commercial policy across regional and governorate boundaries in Iraq; drawing up the national budget of the State; formulating monetary policy, and establishing and administering a central bank.

Fourth: Regulating standards, weights and measures.

Fifth: Regulating issues of citizenship, naturalization, residency and the right to apply for political asylum.

Sixth: Regulating the policies of broadcast frequencies and mail.

Seventh: Drawing up the general and investment budget bill.

Eighth: Planning policies relating to water sources from outside Iraq and guaranteeing the rate of water flow to Iraq and its just distribution inside Iraq in accordance with international laws and conventions.

Ninth: General population statistics and census.

#### **Article 108:**

Oil and gas are owned by all the people of Iraq in all the regions and governorates.

Article 109:

First: The federal government, with the producing governorates and regional governments, shall undertake the management of oil and gas extracted from present fields, provided that it distributes its revenues in a fair manner in proportion to the population distribution in all parts of the country, specifying an allotment for a specified period for the damaged regions which were unjustly deprived of them by the former regime, and the regions that were damaged afterwards in a way that ensures balanced development in different areas of the country. This will be regulated by law.

Second: The federal government, with the producing regional and governorate governments, shall together formulate the necessary strategic policies to develop the oil and gas wealth in a way that achieves the highest benefit to the Iraqi people using the most advanced techniques of the market principles and encouraging investment.

Article 110:

The following competencies shall be shared between the federal authorities and regional authorities:

First: To manage customs, in coordination with the governments of the regions and governorates that are not organized in a region, and this shall be regulated by law.

Second: To regulate the main sources of electric energy and its distribution.

Third: To formulate environmental policy to ensure the protection of the environment from pollution and to preserve its cleanness, in cooperation with the regions and governorates that are not organized in a region.

Fourth: To formulate development and general planning policies.

Fifth: To formulate public health policy, in cooperation with the regions and governorates that are not organized in a region.

Sixth: To formulate the public educational and instructional policy, in consultation with the regions and governorates that are not organized in a region.

Seventh: To formulate and regulate the internal water resources policy in a way that guarantees their just distribution, and this shall be regulated by law.

Article 111

All powers not stipulated in the exclusive powers of the federal government belong to the authorities of the regions and governorates that are not organized in a region and with regard to other shared powers between the federal government and the regions, priority shall be given to the law of the regions and governorates not organized in a region in case of dispute.

## **Section Five**

### **Powers of the Regions**

#### **Chapter One** **[Regions]**

##### **Article 112:**

The federal system in the Republic of Iraq is made up of a decentralized capital, regions and governorates, as well as local administrations.

##### **Article 113:**

**First:** This Constitution shall affirm the region of Kurdistan and its existing regional and federal authorities, at the time this Constitution comes into force.

**Second:** This Constitution shall affirm new regions established in accordance with its provisions.

##### **Article 114:**

The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority of the members present.

##### **Article 115:**

One or more governorates shall have the right to organize into a region based on a request to be voted on in a referendum submitted in one of the following two methods:

**First:** A request by one-third of the council members of each governorate intending to form a region.

**Second:** A request by one-tenth of the voters in each of the governorates intending to form a region.

##### **Article 116:**

Each region shall adopt a constitution of its own that defines the structure of authorities for the region, its powers and the mechanisms of exercising such powers provided that it does not contradict this Constitution.

##### **Article 117:**



First: The regional authorities shall have the right to exercise executive, legislative, and judicial authority in accordance with this Constitution, except for those powers stipulated in the exclusive powers of the federal government.

Second: In case of a contradiction between regional and national legislation in respect to a matter outside the exclusive powers of the federal government, the regional authority shall have the right to amend the application of the national legislation within that region.

Third: Regions and governorates shall be allocated an equitable share of the national revenues sufficient to discharge their responsibilities and duties, but having regard to their resources, needs and the percentage of their population.

Fourth: Offices for the regions and governorates shall be established in embassies and diplomatic missions, in order to follow up cultural, social and developmental affairs.

Fifth: The regional government shall be responsible for all the administrative requirements of the region, particularly the establishment and organization of the internal security forces for the region such as police, security forces and guards of the region.

## **Chapter Two**

### **[Governorates that are not incorporated in a region]**

#### **Article 118:**

First: The governorates shall be made up of a number of districts, sub-districts and villages.

Second: Governorates that are not incorporated in a region shall be granted broad administrative and financial authorities to enable them to manage their affairs in accordance with the principle of decentralized administration, and this shall be regulated by law.

Third: The governor, who is elected by the Governorate Council, shall be considered the highest executive official in the governorate to practice his powers authorized by the Council.

Fourth: A law shall regulate the election of the Governorate Council, the governor, and their powers.

Fifth: The Governorate Council shall not be subject to the control or supervision of any ministry or any institution not linked to a ministry. The Governorate Council shall have independent finances.

Article 119:

Powers exercised by the federal government can be delegated to the governorates or vice versa, with the consent of both governments and shall be regulated by law.

**Chapter Three**  
**[The Capital]**

Article 120:

Baghdad with its municipal borders is the capital of the Republic of Iraq and shall constitute, with its administrative borders, the governorate of Baghdad, and this shall be regulated by law. The capital may not merge with a region.

**Chapter Four**  
**[The Local Administrations]**

Article 121:

This Constitution shall guarantee the administrative, political, cultural, and educational rights for the various nationalities, such as Turkomen, Chaldeans, Assyrians and all other components, and this shall be regulated by law.

## **Section Six**

### **Final and Transitional Provisions**

#### **Chapter One** **[Final Provisions]**

##### **Article 122:**

**First:** The President of the Republic and the Council of the Ministers collectively or one-fifth of the Council of Representatives members may propose to amend the Constitution.

**Second:** The fundamental principles mentioned in Section One and the rights and liberties mentioned in Section Two of the Constitution may not be amended except after two successive electoral terms, with the approval of two-thirds of the Council of Representatives members, the approval of the people in a general referendum, and the ratification of the President of the Republic within seven days.

**Third:** Other articles not stipulated in clause “Second” of this Article may not be amended, except with the approval of two-thirds of the Council of Representatives members, the approval of the people in a general referendum, and the ratification of the President of the Republic within seven days.

**Fourth:** Articles of the Constitution may not be amended if such amendment takes away from the powers of the regions that are not within the exclusive powers of the federal authorities except by the consent of the legislative authority of the concerned region and the approval of the majority of its citizens in a general referendum.

##### **Fifth:**

A- An amendment is considered ratified by the President of the Republic after the expiration of the period stipulated in clauses “Second” and “Third” of this Article, in case he does not ratify it.

B- An amendment shall enter into force on the date of its publication in the Official Gazette.

##### **Article 123:**

The President of the Republic, the Prime Minister, members of the Council of Ministers, the Speaker of the Council of Representatives, his two Deputies and members of the Council of Representatives, members of the Judicial Authority, and people of special grades may not use their influence to buy or rent any State properties, to rent or sell any

of their assets to the State, to sue the State for these assets or to conclude a contract with the State under the pretense of being building contractors, suppliers or concessionaires.

Article 124:

The laws and judicial judgments shall be issued in the name of the people.

Article 125:

Laws shall be published in the Official Gazette and shall take effect on the date of its publication, unless stipulated otherwise.

Article 126:

Existing laws shall remain in force, unless annulled or amended in accordance with the provisions of this constitution.

Article 127:

Every referendum mentioned in this constitution succeeds with the agreement of the majority of the voters unless otherwise stipulated.

**Chapter Two**  
**[Transitional Provisions]**

Article 128:

First: The State shall guarantee care for the families of the martyrs and political prisoners and victims of the oppressive practices of the defunct dictatorial regime.

Second: The State shall guarantee compensation to the families of the martyrs and the injured as a result of terrorist acts.

Third: A law shall regulate matters mentioned in clauses “First” and “Second” of this Article.

Article 129:

The Council of Representatives shall adopt in its first session the bylaws of the Transitional National Assembly until it adopts its own bylaws.

Article 130:

The Iraq High Criminal Court shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve it by law after the completion of its work.

Article 131:

First: The High Commission for De-Ba'athification shall continue its functions as an independent commission, in coordination with the judicial authority and the Executive institutions within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve this Commission after the completion of its function by an absolute majority.

Third: The nominees to the positions of the President of the Republic, the Prime Minister and the members of the Council of Ministers, the Speaker and the members of the Council of Representatives, the President and members of the Federation Council, their counterparts in the regions or members of the judicial commissions and other positions covered by de-Ba'athification statutes pursuant to the law must not be subject to the provisions of de-Ba'athification.

Fourth: The conditions stated in clause "Third" of this article shall remain in force unless the commission stated in item "First" of this article is dissolved.

Article 132:

First: The Property Claims Commission shall continue its functions as an independent commission in coordination with the judicial authority and the Executive institutions in accordance with the law. The Property Claims Commission shall be attached to the Council of Representatives.

Second: The Council of Representatives shall have the right to dissolve the Commission by a two-thirds majority vote of its members.

Article 133:

Application of the provisions of the articles related to the Federation Council, wherever it may be cited in this Constitution, shall be postponed until the Council of Representatives issues a decision by a two-thirds majority vote in its second electoral term that is held after this Constitution comes into force.

Article 134:

First: The expression "the Presidency Council" shall replace the expression "the President of the Republic" wherever the latter is mentioned in this Constitution.

The provisions related to the President of the Republic shall be reactivated one successive term after this Constitution comes into force.

Second:

- A. The Council of Representatives shall elect the President of the State and two Vice Presidents who shall form a Council called the “Presidency Council,” which shall be elected by one list and with a two-thirds majority.
- B. The provisions to remove the President of the Republic present in this Constitution shall apply to the President and members of the Presidency Council.
- C. The Council of Representatives may remove a member of the Presidency Council with a three-fourths majority of the number of its members for reasons of incompetence and dishonesty.
- D. In the event of a vacant seat in the Presidency Council, the Council of Representatives shall elect a replacement by a two-thirds majority vote of its members.

Third: Members of the Presidency Council shall be subject to the same conditions as a member of the Council of Representatives and must:

- A. Have completed forty years of age.
- B. Enjoy good reputation, integrity and uprightness.
- C. Have quit the dissolved (Ba’ath) Party ten years prior to its fall, in case he was a member of it.
- D. Have not participated in suppressing the 1991 and Al-Anfal uprisings. He must not have committed a crime against the Iraqi people.

Fourth: The Presidency Council shall issue its decisions unanimously and a member may delegate to one of the two other members to take his place.

Fifth:

- A- Legislation and decisions enacted by the Council of Representatives shall be forwarded to the Presidency Council for their unanimous approval and to issue it within ten days from the date of delivery to the Presidency Council, except the stipulations of Articles 114 and 115 that pertain to the formation of regions.
- B- In the event the Presidency Council does not approve, legislation and decisions shall be sent back to the Council of Representatives to reexamine the disputed issues and to vote on them by the majority of its members and then shall be sent for the second time to the Presidency Council for approval.

C- In the event the Presidency Council does not approve the legislation and decisions for the second time within ten days of receipt, the legislation and decisions are sent back to the Council of Representatives who have the right to adopt it by a three-fifths of the number of its members according to a non-appealable majority vote and the legislation or decision shall be considered ratified.

Sixth: The Presidency Council shall exercise the powers of the President of the Republic stipulated in this Constitution.

Article 135:

The Prime Minister shall have two deputies in the first electoral term.

Article 136:

First: The executive authority shall undertake the necessary steps to complete the implementation of the requirements of all subparagraphs of Article 58 of the Transitional Administrative Law.

Second: The responsibility placed upon the executive branch of the Iraqi Transitional Government stipulated in Article 58 of the Transitional Administrative Law shall extend and continue to the executive authority elected in accordance with this Constitution, provided that it accomplishes completely (normalization and census and concludes with a referendum in Kirkuk and other disputed territories to determine the will of their citizens), in a period not to exceed the 31st of December 2007.

Article 137:

Legislation enacted in the region of Kurdistan since 1992 shall remain in force, and decisions issued by the government of the region of Kurdistan, including court decisions and contracts, shall be considered valid unless they are amended or annulled pursuant to the laws of the region of Kurdistan by the competent entity in the region, provided that they do not contradict with the constitution.

Article 138:

The Transitional Administrative Law and its Annex shall be annulled on the seating of the new government, except for the stipulations of Article 53(A) and Article 58 of the Transitional Administrative Law.

Article 139:

This Constitution shall come into force after the approval of the people thereon in a general referendum, its publication in the Official Gazette, and the seating of the government that is formed pursuant to this Constitution.